

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>JAMES L. MARTIN,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>D. Del. Civil Action No. 85-0053-LS</b>
	:	
<b>DELAWARE LAW SCHOOL, et al.,</b>	:	<b>Judge Lawrence F. Stengel, by</b>
	:	<b>designation</b>
<b>Defendants</b>	:	

**ORDER**

**STENGEL, J.**

**AND NOW**, this 30th day of June, 2008, upon consideration of Mr. Martin's Motion for Reargument (Document #195),<sup>1</sup> it is hereby **ORDERED** that the motion is **DENIED**.

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<sup>1</sup>I will construe plaintiff's motion as one for reconsideration of my Memorandum and Order dated June 6, 2008 (Document #194), denying his motion to reopen the above-captioned case. A motion for reconsideration will only be granted if the moving party establishes: "(1) an intervening change in controlling law; (2) the availability of new evidence that was not available when the court [decided the original motion]; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice." Max's Seafood v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999); NL Indus, Inc. v. Commercial Union Ins. Co., 65 F.3d 314, 324 n. 8 (3d Cir. 1995); see also Mash v. Twp. of Haverford Dep't of Codes Enforcement, No. 06-4479, 2007 U.S. Dist. LEXIS 67265, at \*6 (E.D. Pa. Sept. 7, 2007). A party may not use a motion for reconsideration as a mechanism for second-guessing the court's decision, which should not be disturbed or questioned simply because a party disagrees with the outcome. See EEOC v. Smokin' Joe's Tobacco Shop, Inc., No. 06-1758, 2007 U.S. Dist. LEXIS 72526, at \*2 (E.D. Pa. Sept. 27, 2007) ("The motion should not be granted if the moving party is merely asking the court to 'rethink' what it has already rightly or wrongly decided"), citing Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993). The present circumstances do not justify reconsideration of the denial of plaintiff's motion to reopen, and the plaintiff's motion is therefore denied.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.